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6 Attorney for Leviathan Michael Woodley

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 LEVIATHAN MICHAEL WOODLEY,

14 Defendant.
15

Case No. 2:21-mj-00950-DJA

ORDER TO CONTINUE
BENCH TRIAL
(Fourth Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson,
18 United States Attorney, and Christopher Burton, Assistant United States Attorney, counsel for
19 the United States of America, and Rene L. Valladares, Federal Public Defender, and Navid
20 Afshar, Assistant Federal Public Defender, counsel for Leviathan Michael Woodley, that the
21 bench trial currently scheduled on February 1, 2023, be vacated and continued to a date and
22 time convenient to the Court, but no sooner than forty-five (45) days.

23 This Stipulation is entered into for the following reasons:

- 24 1. Counsel needs time to conduct specific investigation related to client's
25 concern.
26 2. The defendant is not incarcerated and does not object to the continuance.

1 3. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice. The additional time requested by this Stipulation is excludable in
3 computing the time within which the trial herein must commence pursuant to the Speedy Trial
4 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
5 18, United States Code § 3161(h)(7)(B)(iv).

6 This is the fourth request for a continuance of the bench trial.

7 DATED this 23rd day of January, 2023.

8
9 RENE L. VALLADARES
10 Federal Public Defender

 JASON M. FRIERSON
 United States Attorney

11 By /s/ Navid Afshar

12 NAVID AFSHAR
13 Assistant Federal Public Defender

 By /s/ Christopher Burton

 CHRISTOPHER BURTON
 Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEVIATHAN MICHAEL WOODLEY,

Defendant.

Case No. 2:21-mj-00950-DJA

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel needs time to conduct specific investigation related to client's concern.
2. The defendant is not incarcerated and does not object to the continuance.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv). This is the fourth request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, February 1, 2023, at 9:00 a.m., be vacated and continued to April 12, 2023, at 9:00 a.m., Courtroom 3A.

DATED this 23rd ____ day of January, 2023.



DANIEL J. ALBREGTS
United States Magistrate Judge